REMARKS

Claims 1 and 14-21 have been amended.

The Examiner has rejected applicants' claims 1-21 under 35 USC 102(e) as being anticipated by the Atkins, et al. (US Patent No. 7,148,990) patent. Applicants have amended applicants' independent claims 1 and 16-20, and with respect to these claims, as amended, and their respective dependent claims, the Examiner's rejections are respectfully traversed.

Applicants' independent claim 1 has been amended to recite an image extracting method of extracting images from a plurality of images, comprising: a setting step of setting a number of images to be extracted from the plurality of images according to a user operation; a recognition step of recognizing evaluations for the plurality of images, wherein the evaluations are values set for the plurality of images by a user and designating rating scores of the plurality of images evaluated by the user; and an extraction step of extracting the set number of the images from the plurality of images based on the recognized evaluations. Applicants' independent claims 16 and 17 have been similarly amended.

Applicants' independent claim 18 has been amended to recite an image extracting method of extracting images from a plurality of images, comprising: a setting step of setting a number of images to be extracted from the plurality of images; a recognition step of recognizing evaluations for the plurality of images, wherein the evaluations are values set for the plurality of images by a user and designating rating scores of the plurality of images evaluated by the user; and an extracting step of extracting the set number of the images from the plurality of images in descending order of the recognized evaluations. Applicants' independent claims 19 and 20 have been similarly amended.

In the image extracting method and apparatus of the present invention, a number of images to be extracted is set, and the set number of the images are automatically extracted from a plurality of images based on recognized evaluations for the plurality of images. The "evaluations" are values set for the plurality of images by a user and designating rating scores of the plurality of images evaluated by the user. Thus, the image extracting method and apparatus of the present invention can efficiently extract images of a user's preference from the plurality of images based on the evaluations for the plurality of images which is an especially valuable attribute for extracting images. Further, the image extracting method and apparatus can arrange the extracted images in an order, such as in chronological order, suitable for outputting based on different attributes of the plurality of images than the evaluations.

The Atkins, et al. patent discloses a system and method in which images 108 are organized in chronological order based on the dates of image taking and storing (col. 3, lines 4-22). A selection operation 204 is then carried out in which images 108a through 108e are selected from the images 108 to be included in a photobook 124 based on an input by a user (col. 4, lines 30-38). An operation 206 then adjusts the attributes (e. g. lightness, contrast, brightness, sharpness and the like) of the images so they are uniform(col. 4, lines 41-51). The images are then placed on pages 124a of the photobook 124 based templates 120 and 122 defined by the user (col. 3, lines 42-60 and FIG.1).

The Atkins, et al. patent further discloses that the images 108 can be organized by grouping the images according to location data associated with the images 108 (col. 3, lines 4-22). Additionally, the patent mentions the "use [of] image analysis to generate additional meta data for image organization" and it further mentions that "if face detection is performed on each image, the photos can be organized based on the number of people present."

In the case where the images 108a through 108e in the Atkins, et al. patent are extracted based on the shooting or image taking dates, the newest (or oldest) images are simply extracted based on the number of images selected per page. Thus, the system of Atkins et al. patent allows the inclusion of poor or unfavorable images in the extracted images. The same is true of the case where the images 108a through 108e are extracted based on the shooting locations of the images 108. Therefore, the system of Atkins et al. patent cannot efficiently extract images of a user's preference from the images 108.

In contrast, in applicants' claimed invention, images are extracted based on the evaluations set for the images by the user. In particular, these evaluations are values set by the user and designating rating scores of the plurality of images evaluated by the user. This allows the method and system of the invention to extract images efficiently, unlike the Atkins, et al. patent where, as above-stated, images are extracted based on the shooting date or location or image analysis, not based on user evaluations which are values set by the user and designating rating scores of the images evaluated by the user.

Applicant's further note that the teaching in the Atkins, et al. patent mentioned by the Examiner "that a user can define a template such that a set number of images can fit on a page (col. 3, lines 52-50)", is also not a teaching of extracting images based on the evaluations set for the images by a user, where the evaluations are values set by the user and designating rating scores of the plurality of images evaluated by the user. Applicant's amended independent claims 1 and 16-20, and their respective dependent claims, all of which recite such features, thus patentably distinguish over the Atkins, et al. patent.

In view of the above, it is submitted that applicants' claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

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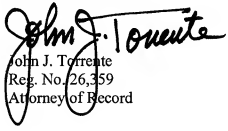
Respectfully submitted,



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